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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE CLAUDIA WILKEN, JUDGE

ROANE HOLMAN,)	
)	
)	
PLAINTIFF,)	NO. C-11-00180 CW
)	
VS.)	THURSDAY, MAY 26, 2011
)	
EXPERIAN INFORMATION)	OAKLAND, CALIFORNIA
SOLUTIONS, INC. AND FINEX)	
GROUP,)	
DEFENDANTS.)	
_____)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFF: ANDERSON OGILVIE & BREWER
600 CALIFORNIA STREET, 18TH FLOOR
SAN FRANCISCO, CALIFORNIA 94108
BY: ANDREW J. OGILVIE, ESQUIRE
MARK F. ANDERSON, ESQUIRE

**FOR DEFENDANT
EXPERIAN:** JONES DAY
555 SOUTH FLOWER STREET, 50TH FLOOR
LOS ANGELES, CALIFORNIA 90071
BY: MICHAEL G. MORGAN, ESQUIRE

**FOR DEFENDANT
FINEX GROUP:** LAW OFFICES OF CARL A. SUNDHOLM
750 MENLO AVENUE, SUITE 100
MENLO PARK, CALIFORNIA 94025
BY: CARL A. SUNDHOLM, ESQUIRE

REPORTED BY: DIANE E. SKILLMAN, CSR 4909, RPR, FCRR
OFFICIAL COURT REPORTER

1 THURSDAY, MAY 26, 2011

2:05 P.M.

2 P R O C E E D I N G S

3 **THE CLERK:** CALLING C-11-180 HOLMAN VERSUS EXPERIAN
4 INFORMATION SOLUTIONS, INC. ET AL.

5 COUNSEL, PLEASE STEP FORWARD AND STATE YOUR
6 APPEARANCES FOR THE RECORD, PLEASE.

7 **MR. OGILVIE:** GOOD AFTERNOON, YOUR HONOR, ANDREW
8 OGILVIE AND MARK ANDERSON APPEARING FOR HOLMAN, THE PLAINTIFF
9 IN THE CASE.

10 **MR. MORGAN:** GOOD AFTERNOON, YOUR HONOR, MICHAEL
11 MORGAN, JONES DAY FOR DEFENDANT EXPERIAN INFORMATION SOLUTIONS,
12 INC.

13 **MR. SUNDHOLM:** GOOD AFTERNOON, YOUR HONOR, CARL
14 SUNDHOLM APPEARING FOR FINEX.

15 **THE COURT:** GOOD AFTERNOON.

16 THIS IS ON FOR A CASE MANAGEMENT CONFERENCE. YOU
17 GOT THE ORDER ON THE MOTION TO DISMISS?

18 YES?

19 **MR. MORGAN:** WE DID, YOUR HONOR.

20 **MR. SUNDHOLM:** WE DID, YOUR HONOR.

21 **MR. OGILVIE:** WE DID, YOUR HONOR.

22 **THE COURT:** YOU CAN TAKE ONE OF THOSE SCHEDULING
23 ORDERS; FILL IN THE DATES AS WE SET THEM. ATTACHED TO IT YOU
24 WILL FIND THE ORDER FOR PRETRIAL PREPARATION WHICH WILL TELL
25 YOU THE PAPERWORK THAT WILL NEED TO BE FILED IN ADVANCE OF THE

1 PRETRIAL CONFERENCE.

2 I HAD SOME HOPE OF COORDINATING THIS WITH THE PINTOS
3 CASE, BUT I GUESS THERE'S REALLY -- THAT'S REALLY WAY TOO FAR
4 AHEAD OF IT TO DO US ANY GOOD. YOU MIGHT PERHAPS BE SETTling
5 THAT CASE ANYWAY?

6 **MR. OGILVIE:** WE ARE TRYING, YOUR HONOR.

7 **THE COURT:** SO, IN TERMS OF ALTERNATIVE DISPUTE
8 RESOLUTION, PLAINTIFF IS AGREEABLE TO PRIVATE MEDIATION AFTER
9 SOME DISCOVERY. DEFENDANT SAYS MEDIATION BUT DOESN'T SAY
10 WHETHER YOU ARE AGREEABLE WITH PRIVATE MEDIATION OR WOULD YOU
11 RATHER HAVE COURT-CONNECTED MEDIATION?

12 **MR. MORGAN:** WE WOULD BE AGREEABLE TO PRIVATE
13 MEDIATION, YOUR HONOR.

14 **THE COURT:** OKAY.

15 **MR. SUNDHOLM:** WE WOULD AS WELL.

16 **THE COURT:** WE WILL REFER YOU TO PRIVATE MEDIATION
17 AND I WOULD LIKE TO SET A CUTOFF BY WHICH YOU WILL DO THAT.
18 AND YOU CAN CERTAINLY SET IT FOR FAR ENOUGH IN THE FUTURE THAT
19 YOU WILL BE ABLE TO DO SOME, BUT I WOULD ENCOURAGE NOT ALL OF
20 THE DISCOVERY BEFORE THAT.

21 SO WHAT DO YOU THINK, SIX MONTHS?

22 **MR. OGILVIE:** SIX MONTHS SHOULD BE QUITE ADEQUATE.
23 THANK YOU.

24 **MR. MORGAN:** THAT'S FINE, YOUR HONOR.

25 **THE CLERK:** NOVEMBER 28TH, YOUR HONOR.

1 **THE COURT:** SO WE WILL SET NOVEMBER 28TH AS THE
2 DEADLINE FOR PRIVATE MEDIATION. HOPEFULLY YOU WILL BE ABLE TO
3 AGREE UPON A MEDIATOR AND GO AHEAD AND PROBABLY LINE SOMEONE UP
4 NOW FOR A DATE IN THE FUTURE.

5 DEADLINE TO ADD ADDITIONAL PARTIES OR CLAIMS.
6 PLAINTIFF ASKS FOR SEPTEMBER 15TH. THAT'S A LITTLE FAR IN THE
7 FUTURE, BUT I AM ASSUMING THE ONLY THING YOU MIGHT HAVE IN MIND
8 WOULD BE NEW NAMED PLAINTIFFS OR SOMETHING.

9 **MR. OGILVIE:** THAT'S PROBABLY THE ONLY THING WE
10 WOULD HAVE IN MIND, YOUR HONOR.

11 **THE COURT:** SO IF THERE'S SOMETHING MORE
12 SUBSTANTIVE, YOU SHOULD TRY TO DO IT SOONER BECAUSE YOU WILL
13 THROW OUR WHOLE SCHEDULE OFF IF YOU THROW IN NEW CLAIMS OR NEW
14 DEFENDANTS OR SO ON ON THAT LATE DATE.

15 **MR. OGILVIE:** I UNDERSTAND. I DON'T THINK THERE
16 WILL BE NEW CLAIMS. THERE COULD WELL BE OTHER ADDITIONAL
17 PLAINTIFFS.

18 **THE COURT:** THAT CAN HAPPEN ANY TIME. IT SOMETIMES
19 DOES IN A CLASS ACTION. IF THERE'S SOME REASON FOR IT AND YOU
20 NEED TO SUBSTITUTE SOMEBODY IN LATER BECAUSE SOMEBODY FLIES THE
21 COUPE OR WHATEVER, THAT WOULD ALWAYS BE A POSSIBILITY ON
22 MOTION.

23 BUT IN TERMS OF ANYTHING SUBSTANTIVE IN TERMS OF
24 CLAIMS, ADDITIONAL DEFENDANTS, CERTAINLY SEPTEMBER 15TH WOULD
25 BE THE LATEST WE WOULD WANT TO DO IT AND I WOULD ENCOURAGE YOU

1 TO DO IT SOONER.

2 SO THEN YOU ARE IN A SORT OF DISPUTE ABOUT THE
3 TIMING OF YOUR SUMMARY JUDGMENT MOTIONS. I GUESS YOU ARE IN
4 AGREEMENT THAT PLAINTIFF COULD MOVE TO CERTIFY IN THE FALL OF
5 THIS YEAR PERHAPS NOTICING A MOTION FOR SOMETIME IN NOVEMBER?

6 **MR. MORGAN:** YOUR HONOR, RIGHT NOW WE DON'T KNOW THE
7 STATUS OF LIKE A SUMMARY JUDGMENT MOTION, WHETHER ONE WOULD BE
8 FILED --

9 **THE COURT:** I'M TALKING ABOUT CLASS CERT. DID I SAY
10 SUMMARY JUDGMENT? I MEAN TO SAY CLASS CERT.

11 **MR. MORGAN:** YOU DID, YOUR HONOR.

12 **THE COURT:** SORRY. CLASS CERT.

13 **MR. MORGAN:** WE ARE AGREEABLE TO THE COMMENCEMENT OF
14 CLASS CERTIFICATION BRIEFING IN THE FALL.

15 **THE COURT:** OKAY. SO, SHALL WE PLAN TO HAVE IT
16 NOTICED FOR NOVEMBER 18TH -- I AM SORRY, 17TH WOULD BE THE
17 THURSDAY. NOVEMBER 17TH.

18 **MR. OGILVIE:** THAT'S FINE.

19 **MR. MORGAN:** THAT'S FINE.

20 **THE COURT:** FILE IT FIVE WEEKS BEFOREHAND.

21 YOU ALL SAY WHAT YOU HAVE TO SAY IN OPPOSITION.
22 DON'T GIVE ME A SIMULTANEOUS MOTION NOT TO CERTIFY OR LATER
23 MOTION TO DECERTIFY. SAY WHAT YOU HAVE TO SAY IN YOUR
24 OPPOSITION, PREFERABLY JOINTLY. I WOULD HOPE YOU WOULD BE ABLE
25 TO FILE A JOINT BRIEF.

1 **MR. SUNDHOLM:** I WOULD THINK SO.

2 **MR. MORGAN:** RIGHT.

3 **THE COURT:** AND THEN I DON'T KNOW IF DEFENDANT GAVE
4 ALTERNATIVE DATES FOR THIS. PLAINTIFF PROPOSES A FACT
5 DISCOVERY CUTOFF IN JANUARY 2012. IS THAT AGREEABLE?

6 **MR. MORGAN:** OUR CONCERN IS THAT THERE MAY BE FACT
7 DISCOVERY THAT WILL -- THAT FACT DISCOVERY WILL TURN
8 DRAMATICALLY, THE EXTENT OF IT WILL TURN DRAMATICALLY DEPENDING
9 ON THE OUTCOME OF THE CLASS CERTIFICATION MOTION.

10 IF CLASS CERTIFICATION WERE TO BE GRANTED, WE WOULD
11 WANT TO PURSUE DISCOVERY OF ABSENT CLASS MEMBERS, AND THE CASE
12 WOULD TAKE ON A DIFFERENT DIMENSION. WE WOULD NOT OPPOSE
13 COMPLETION OF FACT DISCOVERY EARLY PART OF NEXT YEAR IF, IN
14 FACT, THE CASE WERE TO PROCEED AS AN INDIVIDUAL ACTION, BUT IF
15 IT WERE A CLASS ACTION, WE THINK ADDITIONAL TIME WOULD BE
16 REQUIRED.

17 **THE COURT:** OKAY. I MEAN THESE PARAMETERS ARE NOT
18 ROCKET SCIENCE. YOU GET A CAR TOWED, IT COSTS A CERTAIN AMOUNT
19 OF MONEY, YOU SELL THE CAR. YOU PULL THE CREDIT REPORT.

20 I AM NOT SEEING A HUGE AMOUNT OF FACTUAL COMPLEXITY
21 HERE, BUT I WOULD RATHER SET DATES THAT WORK AS A CLASS ACTION.
22 SO IF YOU THINK YOU NEED MORE THAN TIL NEXT JANUARY TO DO
23 DISCOVERY, HOW MUCH MORE DO YOU THINK YOU'D NEED?

24 **MR. MORGAN:** ANOTHER SIX MONTHS, ANOTHER FOUR
25 MONTHS.

1 **MR. OGILVIE:** YOUR HONOR, IF I MIGHT. I LOOKED AT
2 THE EXPERIAN ADDITIONS TO THE CASE MANAGEMENT CONFERENCE
3 STATEMENT AND NOTICED A DISPARITY BETWEEN WHAT THEY ARE SAYING
4 HERE AND WHAT WE HAVE BEEN DISCUSSING OUTSIDE THE PROCEEDINGS.

5 AS I UNDERSTAND IT, FINEX IS A COLLECTION AGENCY,
6 WASN'T FORMED UNTIL AROUND 2009, SO THERE ISN'T THAT MUCH TO GO
7 BACK. AND, AS I UNDERSTAND IT, IT'S A SINGLE OFFICE COLLECTION
8 AGENCY SO WE ARE NOT TALKING ABOUT A HUGE CLASS. I THINK THERE
9 ARE ENOUGH PEOPLE SO WE HAVE SUFFICIENT NUMBER TO MEET
10 NUMEROSITY, BUT IT'S NOT A GIGANTIC NATIONWIDE CLASS. AND I
11 THINK --

12 **THE COURT:** IT'S ALSO NOT A REAL COMPLEX ISSUE.

13 **MR. MORGAN:** THE OTHER --

14 **THE COURT:** I WILL ADD TWO MONTHS TO IT. IF YOU,
15 WITH ALL DUE DILIGENCE, CAN'T COMPLETE IT BY THEN, THEN YOU CAN
16 SHOW ME WHAT YOU HAVE DONE AND ASK FOR MORE.

17 **MR. MORGAN:** YOUR HONOR --

18 **THE COURT:** CALL IT MARCH 30TH.

19 **MR. SUNDHOLM:** WE ONLY -- THE CLASS IS CERTIFIED,
20 THEN WE JUST HAVE A LITTLE BIT OF TIME TO COMPLETE THAT
21 DISCOVERY WITH --

22 **THE COURT:** YOU DON'T NEED TO BIFURCATE. YOU CAN
23 START DOING MERITS DISCOVERY IF YOU WANT TO.

24 **MR. SUNDHOLM:** OKAY.

25 **THE COURT:** AND THEN PLAINTIFF SUGGESTED DISCLOSING

1 EXPERTS AT THE TIME THE FACT DISCOVERY CLOSES, WHICH WOULD BE
2 MARCH 30TH. AND I DON'T THINK YOU REALLY GAVE ME A DATE FOR
3 EXPERT DISCOVERY CUTOFF. I SHOULD THINK A COUPLE OF MONTHS
4 WOULD DO IT.

5 **MR. OGILVIE:** THAT WOULD BE FINE. END OF MAY?

6 **THE COURT:** MAY 31ST. AND THEN THE BIG DISCREPANCY
7 IS PLAINTIFFS WANT TO HAVE ANY SUMMARY JUDGMENT MOTIONS HEARD
8 IN MARCH OF 2012 AND DEFENDANTS ARE LOOKING AT JANUARY OF 2014,
9 WHICH IS PRETTY FAR OUTSIDE THE MAINSTREAM.

10 SO, WE COULDN'T DO IT IN MARCH. ALTHOUGH I DON'T
11 KNOW IF YOU NEED YOUR EXPERTS TO DO SUMMARY JUDGMENT MOTIONS.
12 YOU MIGHT NOT.

13 **MR. OGILVIE:** I DON'T SEE A NEED FOR EXPERTS TO DO
14 THE SUMMARY JUDGMENT. WE WOULD PROBABLY JUST BE ASKING FOR
15 SUMMARY JUDGMENT ON LIABILITY AND IT ALL LOOKS TO THE DEBT --
16 THE ACTIONS, DOCUMENTS, INFORMATION FROM THE DEFENDANTS. IT'S
17 NOTHING TO DO WITH INDIVIDUAL CONSUMERS.

18 **MR. MORGAN:** YOUR HONOR, WE MAY BE MOVING FOR
19 SUMMARY JUDGMENT WITH RESPECT TO PORTIONS OF THE PROPOSED CLASS
20 WHICH IS CONSUMERS THAT FALL WITHIN PARTICULAR PERIODS OF TIME,
21 SUCH AS PRIOR TO APRIL OF 2009, WHICH IS A DATE THAT WAS GIVEN
22 SOME SIGNIFICANCE IN YOUR HONOR'S RULING.

23 SO THOSE SORTS OF SUMMARY JUDGMENT DETERMINATIONS
24 AND PROCEEDINGS WOULD BE SOMETHING THAT WOULD HAVE TO TAKE
25 PLACE AFTER CERTIFICATION. I THINK WE WOULD NEED TO PUSH IT

1 OUT JUST A LITTLE BIT TO GIVE TIME FOR THOSE.

2 **THE COURT:** MY QUESTION IS WHETHER YOU WOULD NEED
3 EXPERTS FOR SUMMARY JUDGMENT. BY THE TIME YOU NEED EXPERTS FOR
4 SUMMARY JUDGMENT, IT'S PROBABLY NOT GOING TO BE SUMMARY
5 JUDGMENT. SO I AM THINKING YOU PROBABLY DON'T.

6 EXPERTS ARE SO EXPENSIVE. IF YOU THINK YOU HAVE A
7 CHANCE AT SOME RELIEF ON SUMMARY JUDGMENT, IT'S PROBABLY IN
8 YOUR INTEREST TO DO THE SUMMARY JUDGMENT BEFORE YOU SPEND ALL
9 THE MONEY ON THE EXPERTS. BUT, IF YOU WANT TO, WE CAN MAKE IT
10 LATER. IF YOU WANT TO MAKE IT AFTER THE EXPERT DISCOVERY IS
11 DONE, WE WOULD BE LOOKING AT -- WHAT DID I JUST SAY?

12 **MR. MORGAN:** MAY 31ST.

13 **THE COURT:** SO WE COULD HAVE THE CASE DISPOSITIVE
14 MOTIONS HEARD PERHAPS ON THE 28TH OF JUNE AT 2:00 O'CLOCK. AND
15 DID YOU SAY YOU WERE PLANNING OR MAKING SOME YOURSELF? I THINK
16 YOU DID, THE PLAINTIFFS DID.

17 SO LET'S HAVE YOU FILE YOURS SIX WEEKS BEFORE THAT,
18 AND THEN THE DEFENDANTS WOULD FILE AN OPPOSITION AND INCLUDE IN
19 THAT OPPOSITION ANY CROSS-MOTION FOR SUMMARY JUDGMENT.

20 **MR. SUNDHOLM:** WE MAY BE MAKING A MOTION FOR SUMMARY
21 JUDGMENT AS WELL IN ADDITION TO EXPERIAN.

22 **THE COURT:** RIGHT. BUT IT WOULD JUST BE PART OF
23 YOUR OPPOSITION AND CROSS-MOTION IN A SINGLE BRIEF. AND
24 PREFERABLY A SINGLE BRIEF FOR THE TWO OF YOU. IF NECESSARY,
25 YOU CAN HAVE SEPARATE SECTIONS ADDRESSING THE PARTS THAT DON'T

1 APPLY TO THE OTHER, BUT I'D RATHER NOT READ REPETITIVE STUFF
2 THAT APPLIES TO BOTH OF YOU AND HAVE TO READ IT TWICE.

3 **MR. MORGAN:** WE UNDERSTAND, YOUR HONOR. I WILL
4 COORDINATE WITH MR. SUNDHOLM ON THOSE SORTS OF THINGS.

5 **THE COURT:** OKAY. SO THEN WE'D HAVE A MOTION FROM
6 THEM, OPPOSITION AND CROSS-MOTION FROM YOU TWO WEEKS LATER,
7 OPPOSITION AND REPLY FROM YOU A WEEK AFTER THAT, FINAL REPLY TO
8 THE CROSS-MOTION A WEEK AFTER THAT, AND WITH SIX WEEKS TO DEAL
9 WITH THAT ENDS UP BEING TWO WEEKS BEFORE THE HEARING, WHICH IS
10 THE AMOUNT THAT I NEED.

11 IF, FOR ANY REASON, THE PLAINTIFFS DON'T FILE A
12 MOTION SIX WEEKS BEFORE, THEN YOU WOULD FILE YOURS FIVE WEEKS
13 BEFORE AND THEN WE WOULD BE ON THE REGULAR MOTION SCHEDULE.

14 **MR. OGILVIE:** THANK YOU, YOUR HONOR. I UNDERSTAND.

15 **THE COURT:** LET THEM KNOW WHETHER YOU ARE GOING TO
16 OR NOT SO THEY ARE ABLE TO PLAN.

17 **MR. OGILVIE:** YES.

18 **THE COURT:** THEN IF WE HAD THAT IN JUNE, THEN WE
19 WOULD PROBABLY NEED ANOTHER THREE MONTHS TO GET THE RULING AND
20 GET THE PRETRIAL PREP DONE AND SO FORTH, SO WE WOULD BE LOOKING
21 AT A TRIAL DATE IN LET'S SAY SEPTEMBER, OCTOBER.

22 AND THEN WE HAD A QUESTION ABOUT THE LENGTH OF THE
23 TRIAL. PLAINTIFFS SAY FIVE TO SIX DAYS, DEFENDANTS SAY THREE
24 WEEKS.

25 **MR. SUNDHOLM:** DEPENDS ON CLASS CERT.

1 **THE COURT:** WELL, YEAH, BUT EVEN IF CLASS IS
2 CERTIFIED, WE ARE NOT GOING TO BE HEARING DAMAGES TESTIMONY
3 FROM EVERY SINGLE CLASS MEMBER. PRESUMABLY WE WILL WORK OUT
4 SOME SORT OF PROCEDURE WHERE THEY WOULD HAVE TO PROVE UP WHAT
5 THEIR CAR WAS SOLD FOR. I MEAN, THESE THINGS ARE NOT GOING TO
6 BE SUBJECT TO DISPUTE. THE CAR WAS SOLD FOR WHAT IT WAS SOLD
7 FOR. THERE'S GOING TO BE A RECORD WITH THE DMV OF WHAT
8 HAPPENED, AND PAPERWORK AS TO WHAT THE TOWING DEFICIENCY WAS.

9 IT'S NOT LIKE A MEDICAL CASE WHERE IT'S DISPUTED HOW
10 MUCH PAIN AND SUFFERING SOMEONE UNDERWENT OR ANYTHING LIKE
11 THAT. IT'S GOING TO BE PRETTY CUT AND DRIED, AND SOMETHING I
12 THINK WE COULD WORK OUT IN SOME OTHER WAY.

13 THEN THERE'S SOME LEGAL ISSUES ABOUT WHEN SHOULD
14 THEY HAVE KNOWN AND THIS AND THAT, BUT THOSE AREN'T FOR THE
15 JURY.

16 WHAT'S FOR THE JURY? I AM SEEING MORE LIKE FIVE OR
17 SIX DAYS THAN THREE WEEKS, REALLY. I MEAN, WE CAN CALL IT TEN
18 DAYS IF YOU WANT TO. AND MAYBE WE CAN SET IT FOR THE 24TH OF
19 SEPTEMBER FOR A TEN-DAY JURY TRIAL WITH A PRETRIAL CONFERENCE
20 ON SEPTEMBER 11TH AT 2:00.

21 ANYTHING ELSE THEN?

22 **MR. OGILVIE:** CASE MANAGEMENT CONFERENCE.

23 **THE COURT:** WE WILL DO THAT ON THE DAY THAT WE SET
24 FOR HEARING THE CASE DISPOSITIVE MOTION.

25 BY THE WAY, IF YOU DECIDE YOU WANT TO DO THE MOTION

1 EARLIER, FOR EXAMPLE, MAYBE TO GET IT DONE BEFORE YOU DISCLOSE
2 YOUR EXPERTS, THAT WOULD BE FINE WITH ME AS LONG AS YOU ARE IN
3 AGREEMENT. YOU CAN SET IT FOR ANY THURSDAY THAT I'M AVAILABLE
4 AND JUST USE THE SAME KIND OF BRIEFING INTERVALS. AND THEN IF
5 YOU DO FILE IT EARLIER, WE WOULD HAVE THE CMC ON THE SAME DATE
6 AS THE HEARING ON THE SUMMARY JUDGMENT.

7 **MR. OGILVIE:** IF WE CAN'T AGREE BECAUSE ONE PARTY
8 NEEDS MORE TIME TO DO THEIR SUMMARY JUDGMENT MOTION, CAN WE
9 FILE OURS AND --

10 **THE COURT:** NO. UNLESS THERE'S SOME REALLY GOOD
11 REASON TO FILE AN EARLY ONE BECAUSE THEN THE CASE WOULD SETTLE
12 IF YOU COULD ONLY RESOLVE SOME LITTLE SIMPLE DISPUTE EARLY ON,
13 THEN I MIGHT AGREE. OTHERWISE I WOULD RATHER DO IT ALL AT ONCE
14 INSTEAD OF TWICE. IT MIGHT BE IN BOTH OF YOUR INTERESTS TO DO
15 IT BEFORE EXPERT DISCLOSURES AND EXPERT DISCOVERY. AND IF
16 YOU'RE ABLE TO DO THAT, YOU MIGHT WELL WANT TO AGREE TO DO IT
17 THAT WAY.

18 OKAY.

19 **MR. OGILVIE:** THANK YOU.

20 **MR. SUNDHOLM:** THANK YOU.

21 **MR. MORGAN:** THANK YOU.

22 **MR. SUNDHOLM:** APPRECIATE IT.

23 **THE COURT:** THANK YOU.

24 (PROCEEDINGS CONCLUDED AT 2:20 P.M.)
25

CERTIFICATE OF REPORTER

I, DIANE E. SKILLMAN, OFFICIAL REPORTER FOR THE UNITED STATES COURT, NORTHERN DISTRICT OF CALIFORNIA, HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS IN C-11-0180 CW, HOLMAN V. EXPERIAN INFORMATION SOLUTIONS, INC., ET AL., PAGES NUMBERED 1 THROUGH 12, WERE REPORTED BY ME, A CERTIFIED SHORTHAND REPORTER, AND WERE THEREAFTER TRANSCRIBED UNDER MY DIRECTION INTO TYPEWRITING; THAT THE FOREGOING IS A FULL, COMPLETE AND TRUE RECORD OF SAID PROCEEDINGS AS BOUND BY ME AT THE TIME OF FILING.

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/S/ DIANE E. SKILLMAN

DIANE E. SKILLMAN, CSR 4909, RPR, FCRR